

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
August 1, 2019**

A meeting of the Louisville Metro Planning Commission was held on August 1, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Vince Jarboe, Chair
Marylin Lewis, Vice Chair
Jeffery Brown
Richard Carlson
Ruth Daniels
Emma Smith

Commission members absent:

Robert Peterson
Donald Robinson
David Tomes
Lula Howard

Staff Members present:

Emily Liu, Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Mike King, Urban Planner
Steve Hendrix, Planning & Design Coordinator
Dante St. Germain, AICP, Planner II
Jay Lockett, AICP, Planner I
Beth Stuber, Transportation Planning
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Joey Ashby, MSD
Tony Kelly, MSD
Rachel Dooley, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the Minutes for the July 18, 2019 Planning Commission public hearing

00:02:55 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the meeting conducted July 18, 2019.

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Carlson, and Jarboe.

ABSTAINING: Commissioners Brown and Lewis

NOT PRESENT: Commissioners Tomes, Peterson, Robinson, Howard

Approval of the Minutes for the July 24, 2019 Planning Commission-Special Meeting- public hearing

00:03:48 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the meeting conducted July 24, 2019.

The vote was as follows:

YES: Commissioners Daniels, Lewis, Brown, Carlson, and Jarboe.

ABSTAINING: Commissioners Smith

NOT PRESENT: Commissioners Tomes, Peterson, Robinson, Howard

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PUBLIC HEARING

CASE NO. 19AREAPLAN1001

NOTE: The minutes for this case were voted on and approved at today's meeting to facilitate an immediate transmittal. The following are the minutes from this case that were approved.

Request: Amendment to Complete Streets Ordinance
Project Name: Complete Streets Ordinance Update
Location: Louisville Metro
Owner: Louisville Metro
Applicant: Louisville Metro
Representative: Louisville Metro
Jurisdiction: Louisville Metro
Council District: All Council Districts
Case Manager: Michael King, Urban Planner

Notice of this public hearing appeared in The Courier-Journal.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

Michael King from Louisville Metro Office of Advanced Planning & Sustainability presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

Mr. King stated Louisville Metro Council originally adopted Ordinance 15, Series 2008 on February 18, 2008. This ordinance established Louisville Metro's first Complete Streets Policy. Recently, Kentucky Youth Advocates and the American Heart Association have worked together with Louisville Metro Department of Health and Wellness, Develop Louisville and Public Works to draft an update to this ordinance. The proposed amendment will make no changes to the existing regulations in the Land Development Code.

The following spoke in support of this request:

Patricia Tennan, Kentucky Youth Advocates, 10200 Linn Station Road, Suite 310, Louisville, KY 40223

Cathy Hinko, Metropolitan Housing Coalition, PO Box 4535, Louisville, KY 40201

Rita Morrow, 701 Wickfield Drive, Louisville, KY 40245

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Alison Johnson, 67 Lake Avenue, Louisville, KY 40206

Shannon Smith, American Heart Association, 354 Walker Avenue, Lexington, KY 40504

David James, Metro Council District 6, 601 E. Jefferson Street, Louisville, KY 40202

Sarah Moyer, Department of Public Health and Wellness, 400 E. Gray Street, Louisville, KY 40202

Emilee McCubbins, Kentucky Youth Advocates, 8913 Lippincott Road, Louisville, KY 40222

Noa Weiss, 8913 Lippincott Road, Louisville, KY 40222

David Algood, 501 S. Second Street, Louisville, KY 40202

Summary of testimony of those in support:

Patricia Tennan spoke in support. Their organization thinks Complete Streets is an important component to raising healthy kids in our community. The coalition of groups who worked together on this project stretch across a wide spectrum which helps to show the importance of this initiative and this document.

Cathy Hinko spoke in support. The Metropolitan Housing Coalition became involved because of the correlation of pedestrian and bike related accidents and people who live below the median household income level.

Rita Morrow spoke in support. She is speaking as a volunteer for AARP Kentucky. Complete Streets are an important thing in regards to the multi-modal movement of older citizens throughout the community to keep them connected to goods and services.

Alison Johnson spoke in support. She is an avid walker in the community, and there needs to be more work to ensure safe pedestrian movement throughout our streets.

Shannon Smith spoke in support. She stated a Complete Streets Policy will help provide safer streets, and safer streets mean more economic activity.

David James spoke in support. He stated having safer ways and modes of transportation allows for more equitable treatment of all our citizens.

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Sarah Moyer spoke in support. She believes this is the first step in having a happy and healthy Louisville.

Emilee McCubbins spoke in support. She has assisted Kentucky Youth Advocates to take data to help understand what it is like to be a pedestrian in different parts of the city.

Noa Weiss spoke in support. Ms. Weiss believes Complete Streets are important to help people, especially kids, feel safe on the streets.

David Algood spoke in support. Mr. Algood expressed the importance of Complete Streets for citizens with disabilities. Inclusivity starts with this ordinance.

Commissioner Carlson asked what kinds of education will be provided to the public, local officials, etc. Michael King stated when the Complete Streets Design Manual is updated there will be a number of public meetings and opportunities for education.

Chairman Jarboe asked what kinds of funds are available to help implement this program. Mr. King said nothing is in place at the moment.

The following spoke in opposition to this request:

No one spoke in opposition.

Deliberation:

Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Comprehensive Plan Review of Blight Determination per Louisville Metro Code of Ordinances 32.777

On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on Plan 2040 Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the Complete Streets Ordinance amendment complies with multiple adopted plans and transportation initiatives in Louisville Metro; and

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WHEREAS, the Commission further finds the proposed amendment was reviewed by and agreed upon by all applicable Louisville Metro Government agencies; and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Community Form Goal 2, 16 which states “Encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Large activity centers should be considered for designation as transit nodes;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Community Form Goal 3, 5 which states “Provide access to greenways whenever possible” and 8 which states “Conserve, restore and protect vital natural resource systems such as mature trees, steep slopes, streams and wetlands. Open spaces should be integrated with other design decisions to shape the pattern of development. Encourage the use of greenways as a way to connect neighborhoods. Encourage use of conservation subdivisions, conservation easements, transfer of development rights and other innovative methods to permanently protect open space;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Community Form Goal 4, 1 which states “Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources” and 2 which states “Encourage preservation of distinctive cultural features including landscapes, natural elements and built features;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Mobility Goal 1, 1 which states “To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate,” 2 which states “Develop criteria for the type of appropriate bicycle facilities as part of a Complete Streets Design Manual. Bicycle facility type (e.g., shared roadway, bike lane, or bike path) will depend on the current and anticipated volume of bicycle traffic, the nature of the connections between residential areas and employment/activity centers, and the magnitude of vehicle or pedestrian conflict as indicated by vehicle speeds and volumes. Planned bicycle facilities should be interconnected, direct, and continuous. Separate connections to greenway systems are encouraged. Facilities should be designed in accordance with nationally recognized standards,” 12 which states “Develop policies to achieve and maintain National Ambient Air Quality Standards (NAAQS),” and 14 which states “Promote the use of bicycle and pedestrian facilities as both a means of transportation and as a form of recreation;” and

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WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Mobility Goal 2, 1 which states “Provide transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of the Form Districts,” 2 which states “Coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users,” 7 which states “The design of all new and improved transportation facilities should be accessible,” 8 which states “Protect and/or enhance environmentally sensitive areas through responsible and sustainable best practices in the planning and design of transportation network projects,” 10 which states “Increase funding to maintain the existing infrastructure and build a multi-modal transportation network that supports the needs of the entire community,” and 16 which states “Develop a Complete Streets Design Manual for consideration during the development and redevelopment of roads in accordance with roadway classification and street character that provide for safe, healthy and accessible streets;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Mobility Goal 3, 1 which states “Provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling,” 2 which states “To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers,” 3 which states “Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices,” 8 which states “The Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code. Dedication of street rights-of-way should ensure that transit service can be provided where appropriate,” 10 which states “Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel,” 11 which states “Provide street improvements and/ or transit solutions to mitigate the impacts of development and redevelopment,” 23 which states “Review and update the Land Development Code to make it consistent with changes to road classifications, access management regulations, Complete Streets guidelines, advancements in technology, transportation system management, parking requirements and transit measures,” 25

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which states “Encourage the adoption of trip reduction and travel demand management strategies to reduce vehicular use of roadways,” and 27 which states “Identify infill development opportunities to support biking, walking, and transit service. Encourage the use of, and provide incentives to incorporate, transportation demand management by new development and redevelopment;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Community Facilities Goal 1, 2, which states “Design community facilities intended for public use so that they are accessible to all citizens with multimodal transportation options,” 3 which states “Provide secure, convenient and appropriate bicycle storage opportunities in community facilities that are open to the public,” 5 which states “Establish a comprehensive, coordinated bicycle and pedestrian system connecting parks, greenways, and recreational facilities,” and 8 which states “Connect new and existing parks and open spaces around Louisville Metro with accessible trails and greenways where possible;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Economic Development Goal 1, 10 which states “Support infrastructure and development practices which integrate and are adaptable to future technology innovations;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Economic Development Goal 2, 1 which states “Ensure direct, safe, accessible and convenient multi-modal access between designated employment and population centers;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Livability Goal 1, 2 which states “To encourage preservation of certain natural features, develop indices to aid in determining value of environmental features and identify appropriate measures to offset impacts of development,” 14 which states “Include greenways as integral components of a comprehensive water quality program,” 31 which states “Consider the impact of traffic from proposed development on air quality,” 32 which states “Mitigate sources of pollution through measures that reduce traffic congestion, promote the use of multi-modal transportation options, and implement land use strategies and policies that encourage transit-oriented development to achieve compliance with air quality standards,” 33 which states “Continue to modify existing roads, particularly at intersections, to alleviate traffic congestion and enhance mobility for all users. When making road-widening decisions ensure that road projects are sensitive to impacts on air quality and surrounding land uses as well as factor in the impact of such projects on induced travel demand,” 34 which states “Create incentives and modify regulations in order to improve air quality,” 35 which states “Ensure critical

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connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multimodal transportation options,” 39 which states “Land use planning and development review processes should encourage a reduction in emissions of regulated pollutants and greenhouse gases by creating incentives and enhancing regulations that streamline the process for green development proposals,” and 41 which states “Require tree preservation Best Management Practices during land development and construction activities. Increase the Metro-wide tree canopy coverage toward 45% that is equitably distributed either by planting new trees or preserving existing trees;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Livability Goal 2, 4 which states “Establish baseline criteria for critical health and infrastructure (Infrastructure to include access to food, health care, air quality, schools, and other social determinates of health). Provide visual impact assessments and equity reports for land use and community development planning to evaluate Louisville Metro programs and policies,” 6 which states “Enhance access to parks and open spaces to promote positive health outcomes throughout Louisville Metro,” and 8 which states “Encourage site design standards that incorporate elements intended to promote safe, healthy and accessible places;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Livability Goal 4, 7 which states “Develop a plan to reduce carbon emissions and address potential threats due to changing weather patterns and climate change;” and

WHEREAS, the Commission further finds the proposed amendment adheres to Plan 2040 Housing Goal 2, 6 which states “Ensure adequate access between employment centers and population centers.

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the amendment by substitution of Ordinance No. 15, Series 2008 relating to Louisville Metro’s Complete Streets Policy with the request that they reword the exceptions section so that language included to provide reasonable degree of public safety when exceptions are considered.

The vote was as follows:

YES: Commissioners Daniels, Brown, Lewis, Carlson, Smith, and Jarboe.

NOT PRESENT: Commissioners Howard, Tomes, Robinson, and Peterson.

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PUBLIC HEARING

CASE NO. 19ZONE1008

NOTE: This case was continued from the July 18, 2019 Planning Commission meeting.

Request: Change in zoning from R-5 to OR-1, with Detailed District Development Plan and Binding Elements, with associated Waivers for landscaping
Project Name: W Burnett Boarding and Lodging House
Location: 2630 W Burnett Avenue
Owner: 2630 Burnett LLC
Applicant: 2630 Burnett LLC
Representative: Lawrence & Lawrence PLLC
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:53:31 Dante St. Germain presented the case via Power Point slide show summary (see staff report and recording for detailed presentation). Ms. St. Germain reiterated requests from the previous meeting and detailed the modified requests to commissioners.

The following spoke in favor of this request:

Andrew Weeks, 440 South 7th Street, Suite 200, Louisville, Kentucky, 40203

Curtis Mucci, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219

Brian Rios, 2630 W Burnett Avenue, Louisville, Kentucky, 40210

Summary of testimony of those in favor:

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00:59:24 Andrew Weeks, applicant, presented Power Point slide show (see recording for detailed presentation). Mr. Weeks spoke of the points of interest from the previous meeting. He detailed the change in zoning, two waivers, and the new binding elements via handouts presented to Commissioners.

01:07:29 Curtis Mucci, support, presented landscape plans and requested waivers via Power Point slide show (see recording for detailed presentation)

01:09:53 Brian Rios, owner of HobKnob, detailed the use of the site for the business. (see recording for detailed presentation).

Deliberation

01:12:10 Commissioner's deliberation (see recording for detailed presentation). Commissioners discussed eliminating binding element number four.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Zoning Change from R-5 Single Family Residential to OR-1 Office Residential

01:18:17 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Plan 2040 Staff Findings, staff report, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Land Use & Development Goal 1: Community Form**, the proposed zoning district would allow medium density residential uses. The subject site is located two blocks from two separate transit corridors; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Community Form**, the proposal would reuse an existing structure on the site; and

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WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Community Form**, there are no wet or highly permeable soils, severe, steep or unstable slopes evident on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 4: Community Form**, there are no landscapes or natural elements evident on the site. The existing structure is proposed to be preserved; the existing structure is proposed to be reused. The structure is on the National Register of Historic Places; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Mobility**, the proposed zoning district would allow medium-density/intensity uses; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Mobility**, Wilson Avenue, a minor arterial street, is located ½ block from the subject site, providing principal access to the site, with relatively minor connections from Olive Street to W Burnett Avenue; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Mobility**, the proposed zoning district would encourage a mixture of compatible land uses by allowing neighborhood serving office uses and medium density residential; no changes to the transportation network are proposed at this time. There is no anticipated significant impact to the transportation network by the proposed zoning district change; no changes to transportation facilities and services are anticipated to be made necessary by the proposed zoning district change; no improvements to transportation facilities and services are anticipated to be made necessary by the proposed zoning district change; No improvements to transportation facilities and services are anticipated to be made necessary by the proposed zoning district change; direct access to the site would be achieved from W Burnett Avenue, a local road; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Community Facilities**, the site is currently developed and is served by utilities; LWC has approved the proposal; MSD has approved the proposal; and

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WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Livability**, No clearing of vegetation is proposed; the subject site is not located in a karst area. The site is not susceptible to erosion; the subject site is not located in the regulatory floodplain; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Housing**, the proposed zoning district change would introduce a new housing density. The proposed use would introduce a new housing type to the neighborhood; the proposal would support aging in place by allowing for a mixture of housing options in the neighborhood, or neighborhood-serving office uses; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Housing**, the proposal would support intergenerational, mixed-income and mixed-use development by allowing for a mixture of housing options in the neighborhood, or neighborhood serving office uses; the proposed zoning district would allow medium-density housing. The site is not located along a transit corridor but is relatively close to two corridors; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Housing**, the proposed zoning district would encourage the provision of fair and affordable housing by increasing the variety of unit costs in Louisville Metro, and would encourage affordable and accessible housing in dispersed locations; existing residents will not be displaced because the structure is currently vacant and in a state of relative disrepair; the proposed zoning district would allow the use of innovative methods of development to increase the production of fair and affordable housing, as the requested district is relatively flexible; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the change in zoning from R-5, Single Family Residential, to OR-1, Office Residential.

The vote was as follows:

YES: Commissioners Daniels, Smith, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

ABSTAINING: Commissioner Brown, Lewis

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Waivers

1. **from Land Development Code table 10.2.4 to reduce the required plantings within the property perimeter landscape buffer area (LBA)**
2. **from Land Development Code section 10.2.4.B.1 to allow a driveway to encroach into the required property perimeter LBA**

01:19:53 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the staff report as updated during today's staff presentation, testimony heard today and at the July 18, 2019 meeting, was adopted:

(WAIVER #1) WHEREAS, the Louisville Metro Planning Commission finds, the waiver may adversely affect adjacent property owners by omitting much of the buffering between the subject site and adjacent properties. The applicant proposes to construct an 8' screening fence instead of the plantings. A 6' fence is already required by the Land Development Code in addition to the plantings; and

WHEREAS, the Louisville Metro Planning Commission further finds the waiver will violate specific guidelines of Plan 2040 as Plan 2040 advises to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.

The Land Development Code emphasizes landscaped buffer yards to ensure appropriate transitions. To eliminate the landscaping in the buffer yard would reduce the effectiveness of the transition; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the buffering vegetation could be reduced if it is onerous to the applicant rather than eliminated entirely; and

WHEREAS, the Louisville Metro Planning Commission further finds the applicant has incorporated other designs measure that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived by proposing an 8' screening fence instead of the 6' fence that would have otherwise been required; and

(WAIVER#2) WHEREAS, the Louisville Metro Planning Commission further finds the waiver will not adversely affect adjacent property owners because the driveway already exists and has existed for some time with no known adverse effect;

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WHEREAS, the Louisville Metro Planning Commission further finds the waiver will not violate specific guidelines of Plan 2040 as the encroachment is relatively minor and would not impact the ability of the applicant to provide appropriate transitions between the subject property and adjacent properties; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the driveway exists and relocating it would be impractical given the existence of a curb cut and the location of the existing basement garage; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to move a curb cut and adversely impact the use of the existing basement garage; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers from Land Development Code table 10.2.4 to reduce the required plantings within the property perimeter landscape buffer area (LBA) **AND** from Land Development Code section 10.2.4.B.1 to allow a driveway to encroach into the required property perimeter LBA.

The vote was as follows:

YES: Commissioners Daniels, Smith, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

ABSTAINING: Commissioner Brown, Lewis

Detailed District Development Plan

01:21:03 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution based on the staff report and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, there do not appear to be any environmental constraints on the subject site. The historic structure is proposed to be retained. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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WHEREAS, the Louisville Metro Planning Commission further finds, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. The proposed site plan reuses an existing vacant building for a boarding and lodging house; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements shown in the staff report and to add language to binding element number 4, 8, 9:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. The residential character of the structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission or its designee:
 - a. Roof line
 - b. Building material
 - c. Porch
 - d. Windows
 - e. Exterior Paint

A grey color provided by the applicant is approved by the Planning Commission.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for

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compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

8. A type-A tree of a species on the Preferred Plant List shall be provided within the LBA at the south-western corner of the property in the event that the existing off-site tree shown on the development plan is ever removed from the adjacent property.
9. Property owner and its successors in title, its tenants, assigns, or anyone else acting as a landlord for this property agree to follow all terms within this binding element (hereinafter referred to collectively as "property owner").
 - a. Property owner shall subject all applicants for tenancy to a criminal background check.
 - b. Property owner shall not rent to any person who has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802) or KRS Chapter 218A.
 - c. Property owner shall not rent to any person who has been convicted by any court of competent jurisdiction of a felony of the following nature: violent crimes or sex offenses. Property owner shall not rent to any tenant who is a registered sex offender.

The vote was as follows:

YES: Commissioners Daniels, Smith, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

ABSTAINING: Commissioner Brown, Lewis

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CASE NO. 19DEVPLAN1114

Request: Revised Detailed District Development Plan, Major Preliminary Subdivision Plan with a Variance
Project Name: Valencia at Springhurst
Location: 3801-3823 Garwood Pl
Owner: Valencia at Springhurst HOA
Applicant: Valencia at Springhurst HOA
Representative: Mindel Scott and Associates
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler

Case Manager: Jay Lockett, AICP, Planner I

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:24:45 Jay Lockett presented the case via Power Point slide show summary (see staff report and recording for detailed presentation). Mr. Lockett corrected the location of the site on the Staff Report.

The following spoke in favor of this request:

Kathy Linares, 5151 Jefferson Boulevard, Suite 101, Louisville, Kentucky, 40219

Summary of testimony of those in favor:

01:29:00 Kathy Linares stated the dedication of right-of-way.

Deliberation

01:29:32 Planning Commission deliberation (see recording for detailed presentation).

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PUBLIC HEARING

CASE NO. 19DEVPLAN1114

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance

01:31:05 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Report and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds, the requested variance will not adversely affect the public health, safety or welfare as the buildings already exist and there will be know change to site-lines or circulation around the subject site; and

WHEREAS, the Louisville Metro Planning Commission further finds the requested variance will not alter the essential character of the general vicinity, as the site is proposed to remain as constructed. The existing development is compatible with other development in the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the requested variance will not cause a hazard or nuisance to the public, as there are no physical changes proposed to the site and there are no current hazards or nuisances associated with; and

WHEREAS, the Louisville Metro Planning Commission further finds the requested variance will not allow an unreasonable circumvention of the zoning regulation as the site has been constructed as originally approved. The variance results from the new property line created by dedication of public right-of-way; and

WHEREAS, the Louisville Metro Planning Commission further finds the requested variance does not arise from any special circumstances; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the regulation would create an unnecessary hardship on the applicant, as the road is adequate to be dedicated to public right-of-way and would be impossible without granting the variance; and

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WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to adoption of the regulation; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Variance of Land Development Code section 5.3.1.C and table 5.3.1 to allow structures to encroach into the 20 foot front setback by up to 19 feet as shown on the development plan

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

Revised Detailed District Development Plan and Major Preliminary Subdivision

01:31:44 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Louisville Metro Planning Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission further finds There are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission further finds the overall site design and land uses are compatible with the existing and future development of the

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area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan and Major Preliminary Subdivision Plan **SUBJECT** to the following amendment to Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed ~~2.26~~**3.09** dwelling units per acre (12 units on ~~5.31~~**3.88** acres).
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage, display or sales except as permitted ~~under Section 9.7~~ **by the Jefferson County Land Development Code** and within designated areas on the approved development plan.
5. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible offsite.
6. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from ~~Metro Public Works and Metro Code Enforcement~~ **Develop Louisville** and the Metropolitan Sewer District ~~(700 West Liberty)~~.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation: Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **Chapter 10** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- ~~8. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

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11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 5, 2003 Planning Commission meeting.
12. Applicant shall submit a landscape plan for approval by the Planning and Design Services Landscape Architect showing the location and type of supplemental plantings to be located along or near the top of the berm located between the development and Hurstbourne Parkway for the entire length of the development adjoining the berm. Approval shall be required prior to issuance of any permits for the development. Weather permitting; planting shall occur prior to the issuance of building permits for any lots.
13. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

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PUBLIC HEARING

CASE NO. 19ZONE1031

Request: Change in zoning from C-1 to C-2, with Conditional Use Permit for mini-warehouse, and Detailed District Development Plan with Binding Elements

Project Name: N Hurstbourne Storage

Location: 10330 Morat Avenue

Owner: One Fourteen LLC

Applicant: One Fourteen LLC

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: City of Lyndon

Council District: 18 – Marilyn Parker

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:33:26 Dante St. Germain presented the case via Power Point slide show summary (see staff report and recording for detailed presentation).

01:39:52 Commissioner Lewis asked for the height of the proposed building. Dante St. Germain answered it will be 39ft.

01:40:33 Commissioner Carlson asked if this same type of structure could be used as an office building in the existing zoning district. Ms. St Germain answered an office building would be allowed in a C-1 zoning district.

01:41:23 Commissioner Daniels and Dante St. Germain discussed the landscaping plan for the development (see recording for detailed presentation).

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The following spoke in favor of this request:

John Talbott, 1000 N. Hurstbourne Parkway, 2nd Floor, Louisville, Kentucky, 40223

Jim Marcus, 1908 Unmuit Court, New Albany, Indiana, 47050

Nathan Wright, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219

Summary of testimony of those in favor:

01:41:56 John Talbott, applicant, presented a Power Point slide show (see recording for detailed presentation). Mr. Talbott noted traffic along Hurstbourne Parkway and the voiced opinions of increased traffic from the community. He detailed the sidewalk waivers, updated elevation, landscaping, and height CUP. He stated Nathan Ryan is present for questions.

01:55:22 Commissioner Carlson and John discussed binding elements. Commissioner Brown asked for the hours of operation. Mr. Talbott replied the self-storage units will be open 24 hours.

The following spoke in opposition to this request:

Albert Oschner, 1105 Dorsey Lane, Suite #209, Louisville, Kentucky 40223

Dorothy Vopni, 1105 Dorsey Lane, Suite #219, Louisville, Kentucky, 40223

Mallory Disbro, 11715 Wetherby Avenue, Louisville, Kentucky, 40243

Summary of testimony of those in opposition:

01:58:15 Albert Oschner, resident of adjacent property, stated his concerns with the development affecting the wildlife and the elimination of existing trees on the site. He detailed the history of the area (see recording for detailed presentation). \

02:04:33 Dorothy Vopni, resident of adjacent property, stated her concerns with traffic, the elimination of existing trees on the site, and the loss of wildlife from the development.

02:05:52 Mallory Disbro, Life Engagement Director of Stone Crest Louisville, noted locations of other storage units in the area. Ms. Disbro presented photos and handouts to commissioners detailing the developments areas existing trees. She stated a

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comment from a concerned resident unable to make it to this meeting (see recording for detailed presentation).

02:10:19 Commissioner Lewis asked the applicant if there will be secured fencing included with the landscape plan. Jim Marcus replied there will not be secured fencing for the development as the storage unit building is completely automated.

02:11:25 Commissioner Carlson asked Jim Marcus if he owned other storage facilities and how many vehicles a day would be in and out of the facilities. Mr. Marcus replied that he does and on an average day it would be 30-35 a week.

Rebuttal

02:12:04 Nathan Wright, landscape architect and planner, stated there will be an effort to save the existing trees on site (see recording for detailed presentation).

02:13:47 John Talbott detailed the elevations via Power Point slide show (see recording for detailed presentation). The façade will be brick and stone with faux windows.

02:16:26 Commissioner Carlson asked about the binding elements regarding to bind out all C-2 uses for site except the use of storage units. Mr. Talbott stated he agrees with the drafted binding elements. Commissioner Jarboe asked about the City of Lyndon's statement regarding sidewalks. Mr. Talbot replied he was not there when it was discussed but was told the City of Lyndon had no objection (see recording for detailed presentation).

02:17:38 Commissioner Daniels inquired about the height of the trees to be planted. Nathan Ryan answered there will be Type A Trees and Type B trees; existing trees that can be saved during development will be preserved.

02:19:11 Dante St. Germain stated the updated binding element number 11:
No C-2 use shall be permitted on the except for mini-warehouse.

Deliberation

02:19:26 Commissioner Deliberation (see recording for detailed presentation).

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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PUBLIC HEARING

CASE NO. 19ZONE1031

Zoning Change from C-1 Commercial to C-2 Commercial

02:31:38 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form: Goal 1** the subject site is already zoned commercially and is vacant, and so the proposed zoning district change will not constitute a nonresidential expansion into an existing residential area; the proposed zoning district would permit higher density and intensity uses. N Hurstbourne Parkway is a transit corridor and the site is relatively close to an employment center; the proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with Land Development Code regulations and Louisville Metro Ordinances; the proposed zoning district would not permit uses with noxious odors, particulates or emissions; access to the site will be achieved from Morat Avenue almost directly from N Hurstbourne Parkway; noise from the proposed use is likely to be minimal and restricted to daytime hours; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 2** the subject site is located in an existing activity center; the site is located in an existing activity center. The proposed zoning district would permit retail development. The size of the parcel and the transition zone to the Neighborhood form district to the east would limit retail development to smaller-scale uses; the proposed zoning district would permit a more compact pattern of development in an activity center; the site is located in an existing activity center. The proposed zoning district would allow a mixture of compatible land uses, at a scale limited by the transition zone and the size of the parcel; the proposed zoning district would permit residential uses above retail; the proposal is for a new development providing commercial services; there are no underutilized parking lots on the site, or included in the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form: Goal 3** No karst features have been located on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Mobility: Goal 1** the subject site is located in an existing activity center. The proposed zoning district would permit higher density and intensity uses within the existing activity center; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Mobility: Goal 3** Housing is located nearby. The site is located in an existing activity center, and the proposed zoning district would permit a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities; the proposed zoning district would permit higher density mixed-use development on a transit corridor; transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Community Facilities: Goal 2**, The relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Economic Development: Goal**, The subject site is located on a major arterial street with access almost directly from N Hurstbourne Parkway; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Livability: Goal 1**, No karst features have been located on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Housing: Goal 1**, The proposed zoning district would permit housing options that support aging in place; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Housing: Goal 2**, the proposed zoning district would permit inter-generational, mixed-income and mixed use development; the proposed zoning district would permit safe and convenient access to employment opportunities and amenities providing neighborhood goods and services; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Housing: Goal 3**, no residents will be displaced by the proposal; the proposed zoning district would permit innovative methods of housing; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** that the City of Lyndon **APPROVE the** change in zoning from C-1, Commercial, to C-2, Commercial.

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The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

Conditional Use Permit

02:32:25 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted

WHEREAS, the Louisville Metro Planning Commission finds, the proposal does not conflict with any Comprehensive Plan policies; and

WHEREAS, the Louisville Metro Planning Commission further finds the subject site is located in the Campus form district, and the proposal is compatible in scale and intensity with surrounding land use and the general character of the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal observes the required setbacks and landscaping will be installed into the setbacks to buffer and screen the building from surrounding land uses and rights-of-way. N Hurstbourne Parkway is a designated parkway at this location and additional screening will be provided along the N Hurstbourne Parkway road frontage; and

WHEREAS, staff finds the proposal complies with LDC Section 4.2.35 listed in B, C, D, E, H.

WHEREAS, the Louisville Metro Planning Commission further finds the proposed structure is 3 stories and 39' in height. The applicant requests relief from this requirement; now, therefore be it

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for Mini-warehouses with relief from Requirement G

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

1. Waiver from section 5.8.1.B to omit sidewalks along Morat Avenue

02:33:08 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted

WHEREAS, the Louisville Metro Planning Commission finds, the waiver will adversely affect adjacent property owners as it is in the interests of all neighboring properties to have a well-connected network of sidewalks; and

WHEREAS, the Louisville Metro Planning Commission further finds the waiver will violate specific guidelines of Plan 2040 as Plan 2040 Mobility Goal 1 Policy 1.4 states that sidewalks should be provided along the streets of all developments. Mobility Goal 3 Policy 11.7 states that sidewalks should be added to mitigate the impacts of development and re-development; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the applicant could construct the sidewalk; and

WHEREAS, the Louisville Metro Planning Commission further finds The applicant has not incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived, and strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the sidewalk could be constructed; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** that the City of Lyndon **DENY** the requested waiver from section 5.8.1.B to omit sidewalks along Morat Avenue.

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The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson Peterson, and Howard

2. Waiver from section 5.9.2.A.1.b.i to omit the pedestrian connection between the sidewalk and the building entrance

02:34:09 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted

WHEREAS, the Louisville Metro Planning Commission finds, the waiver will not adversely affect adjacent property owners as the pedestrian connection affects only the subject property; and

WHEREAS, the Louisville Metro Planning Commission further finds the waiver will violate specific guidelines of Plan 2040 as Plan 2040 Mobility Goal 1 Policy 1.3 states that street-level pedestrian connections between all principal buildings within a unified development site should be provided; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the pedestrian connection could be provided; and

WHEREAS, the Louisville Metro Planning Commission further finds the applicant has not incorporated other design measures that exceed the minimums of the district which compensate for non-compliance with the requirements to be waived, and strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the pedestrian connection could be provided; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** that the City of Lyndon **DENY** the requested waiver from section 5.9.2.A.1.b.i to omit the pedestrian connection between the sidewalk and the building entrance.

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The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

Revised Detailed District Development Plan

02:35:04 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted

WHEREAS, the Louisville Metro Planning Commission finds, there do not appear to be any environmental constraints or historic assets on the subject site. Tree canopy will comply with the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. The site is located in a transition zone and will serve as a low intensity transition between the Campus and Neighborhood form districts; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested waivers; now, therefore be it

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CASE NO. 19ZONE1031

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** that the City of Lyndon **APPROVE** the Revised Detailed District Development Plan with Binding Elements in addition to Binding Element number 11: the only C-2 use that will be permitted is a mini storage

Binding Elements

The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee, and to the City of Lyndon, for review and approval; any changes/additions/alterations not so referred shall not be valid.

~~2. Use of the subject site shall be limited to a gym and restaurant. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or its designee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.~~

~~3. The Floor Area Ratio of the development shall not exceed 0.15 on Tract 1 and 0.13 on Tract 2.~~

~~4. Signs shall be in accordance with Chapter 8 of the LDC.~~

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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4. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. ~~The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.~~ The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. ~~A minor plat shall be recorded creating the property lines and dedicating right-of-way per the development plan.~~
 - c. **A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the owners of the subject property and the property to the immediate west, and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.**
 - d. **The two lots shall be consolidated with a minor plat or other legal instrument.**
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. **There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.**
7. **No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.**
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner

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of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~February 7, 2008~~ **August 1, 2019 Planning Commission** public hearing.
10. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. **The only C-2 use permitted on the site shall be Mini-warehouses.**

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

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PUBLIC HEARING

CASE NO. 18ZONE1071

Request: Change in zoning from R-4 to R-6, multi-family residential & CN, commercial neighborhood
Project Name: 6875 S. Hurstbourne Parkway
Location: 6875 S. Hurstbourne Parkway
Owner: Cayman Investments, LLC
Applicant: Cayman Investments, LLC
Representative: QK4.
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
24 – Madonna Flood

Case Manager: Joel P. Dock, AICP, Planner II
Presenting Case: Brian Davis, Planning & Design Manager

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:36:50 Brian Davis presented the case via Power Point slide show (see staff report and recording for detailed presentation). Mr. Davis noted MSD have comments and will speak after the applicant.

The following spoke in favor of this request:

Ashley Bartley, 1046 East Chestnut Street, Louisville, Kentucky, 40204

Summary of testimony of those in favor:

02:40:45 Ashley Bartley, applicant, presented areal views of the development site via Power Point slide show (see recording for detailed presentation). Ms. Bartley noted the voiced opinions from the neighborhood meeting stating the approval for commercial development. She detailed the changes made to the site for fire access and pedestrian access. (see recording for detailed presentation). 1-2 sentences summarizing the main

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points discussed. More than 2 sentences may be necessary in exceptional circumstances.

02:49:45 Joey Ashby, Louisville MSD, noted discussions for the sewer and building adjustments, easements, and the site plans to help mitigate sewer costs in the future (see recording for detailed presentation).

02:53:27 Commissioner Brown and Joey Ashby discussed sewer connections and sewer easements plans (see recording for detailed presentation).

02:54:40 Commissioner Smith asked for the type of housing for this development. Ashley Bartley replied there will be apartments with commercial buildings towards the front of the development.

Deliberation

02:55:49 Commissioners discussed connectivity issues from apartment complexes to and from the main road (see recording for detailed presentation). Commissioners and Ashley Bartley discussed concerns with traffic through commercial parking lots from the apartment complexes and to continue this case to solve those issues.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

03:09:30 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the evidence and testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the August 15, 2019 Planning Commission Meeting.

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

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PUBLIC HEARING

CASE NO. 18ZONE1074

Request: Change in zoning from R-5 to R-5B, and Detailed District Development Plan with Binding Elements
Project Name: Howard & Coyte Duplex
Location: 117 N Jane Street
Owner: Peggy Sue Howard & David Coyte
Applicant: Peggy Sue Howard & David Coyte
Representative: David Coyte
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:11:06 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

David Coyte, 2223 Sycamore Avenue, Louisville, Kentucky, 40206

Summary of testimony of those in favor:

03:14:35 David Coyte, presented photo slide show detailing the use of site and the parking availability (see recording for detailed presentation).

Deliberation

03:16:55 Planning Commission deliberation (see recording for detailed presentation).

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An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Zoning from R-5 Single Family Residential to R-5B Two Family Residential

03:18:54 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form: Goal 1** the proposal is not for higher density or intensity zoning; The proposed zoning district is not substantially different in scale, intensity or density compared with adjacent development; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 2** the proposal re-uses existing structures and provides residential uses; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 3** no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 4** the existing tree canopy and structures are proposed to remain unchanged; the proposal re-uses existing structures; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 1** the proposal is not for higher density or intensity zoning; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 2** access to the site is achieved via N Jane Street, a local street. The development around the subject site is not significantly lower in density or intensity; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 3** the proposal would increase the mixture of compatible land uses in the neighborhood, and is located within walking distance of Frankfort Avenue, a transit corridor and commercial activity center; no changes to the street or transportation

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network are proposed. Transportation Planning has approved the proposal; transportation Planning has approved the proposal; no direct residential access to high speed roadways is proposed; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Facilities: Goal 2** the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Livability: Goal 1** no changes to the landscape or tree canopy are proposed; No karst features are evident on the site; the site is not located in the floodplain; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 1** the proposal would increase the variety of housing types in the neighborhood in a manner that is compatible with the Form District pattern; the proposal would increase the range of housing options in the neighborhood, supporting aging in place; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: 2** the proposed zoning district would increase the range of housing options in the neighborhood, allowing for inter-generational, mixed-income and mixed-use development; the site is relatively close to Frankfort Avenue, a multi-modal transportation corridor providing safe and convenient access to employment opportunities, as well as amenities providing neighborhood goods and services; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 3** the proposed zoning district would increase the range of housing options in the neighborhood, improving provision of fair and affordable housing in Louisville Metro; the proposal increases the number of units on the lot, and does not displace existing residents; the proposed zoning district would allow a duplex on the lot, increasing the production of fair and affordable housing; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the change in zoning from R-5, Single Family Residential, to R-5B, Two Family Residential.

The vote was as follows:

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YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson,
and Howard

Detailed District Development Plan

03:19:40 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints on the subject site. The principal structure on the site is eligible to be listed on the National Register of Historic Places but is not listed. It is proposed to be preserved and utilized as a rental unit; and

WHEREAS, the Louisville Metro Planning Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. The area is in the Traditional Neighborhood form district, which generally features a mixture of compatible zoning districts and land uses; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements:

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Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The residential character of the structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission or its designee:

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- a. roof line
 - b. building material
 - c. porch
 - d. windows
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

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PUBLIC HEARING

CASE NO. 18ZONE1075

Request: Change in zoning from R-5 to R-6, with Waiver for landscaping, and Detailed District Development Plan with Binding Elements
Project Name: Coyte & Howard Multi-Family
Location: 107 N Jane Street
Owner: David Coyte & Peggy Sue Howard
Applicant: David Coyte & Peggy Sue Howard
Representative: David Coyte
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:21:00 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

03:24:38 Commissioner Daniels asked if there is a fence around the property. Dante St. Germain replied the applicant will be able to answer that question.

The following spoke in favor of this request:

David Coyte, 2223 Sycamore Avenue, Louisville, Kentucky, 40206

Summary of testimony of those in favor:

03:25:39 David Coyte, applicant, stated there will improvements made to existing structures, detailed fencing, and the parking availability

Deliberation

03:29:21 Commissioners deliberation (see recording for detailed presentation).

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An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change in zoning from R-5 Single Family Residential to R-6 Multi Family Residential

03:30:24 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form: Goal 1** the proposal is not for higher density or intensity zoning; the proposed zoning district is not substantially different in scale, intensity or density compared with adjacent development; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 2** the proposal re-uses existing structures and provides residential uses; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 3** to wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 4** the existing tree canopy is proposed to remain unchanged. Exterior changes to the structures have received Certificates of Appropriateness; the proposal re-uses existing structures; now, therefore be it

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 1** the proposal is not for higher density or intensity zoning; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 2** access to the site is achieved via N Jane Street, a local street. The development around the subject site is not significantly lower in density or intensity; and

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WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 3** the proposal would increase the mixture of compatible land uses in the neighborhood, and is located within walking distance of Frankfort Avenue, a transit corridor and commercial activity center; No changes to the street or transportation network are proposed. Transportation Planning has approved the proposal; no direct residential access to high speed roadways is proposed; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Facilities: Goal 2** the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Livability: Goal 1** no changes to the landscape or tree canopy are proposed; No karst features are evident on the site; the site is not located in the floodplain; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 1** the proposal would increase the variety of housing types in the neighborhood in a manner that is compatible with the Form District pattern; the proposal would increase the range of housing options in the neighborhood, supporting aging in place; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 2** The site is relatively close to Frankfort Avenue, a multi-modal transportation corridor providing safe and convenient access to employment opportunities, as well as amenities providing neighborhood goods and services; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 3** the proposed zoning district would increase the range of housing options in the neighborhood, improving provision of fair and affordable housing in Louisville Metro; the proposal increases the number of units on the lot, and does not displace existing residents; the proposed zoning district would allow a duplex on the lot, increasing the production of fair and affordable housing; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the change in zoning from R-5, Single Family Residential, to R-6, Multi Family Residential

The vote was as follows:

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YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson,
and Howard

Waiver AND DDDP with Binding Elements

03:31:05 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

Waiver

WHEREAS, the Louisville Metro Planning Commission finds the waiver will not adversely affect adjacent property owners as the existing lot pattern is not proposed to be changed, and the increase in intensity on the lot is relatively small (2 additional units; and,

WHEREAS, the Louisville Metro Planning Commission further finds; and

WHEREAS, the Louisville Metro Planning Commission further finds the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages the provision of appropriate transitions between uses that are significantly different in scale or intensity. The scale and intensity of the proposed use will be similar to the scale and intensity of adjacent uses; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as there is insufficient space between the structures on the lot and the property line to provide the required LBA; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to move the structures on the lot to provide the required LBA, a requirement which is infeasible; and

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WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints on the subject site. The principal structure on the site is eligible to be listed on the National Register of Historic Places but is not listed. It is proposed to be preserved and utilized as a rental unit; and

WHEREAS, the Louisville Metro Planning Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. The area is in the Traditional Neighborhood form district, which generally features a mixture of compatible zoning districts and land uses; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from LDC Section 10.2.4 to waive the required 10' property perimeter Landscape Buffer Area **AND** Detailed District Development Plan, subject to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The residential character of the structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission or its designee:
 - a. roof line
 - b. building material
 - c. porch
 - d. windows
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these

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binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

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PUBLIC HEARING

CASE NO. 18ZONE1077

Request: Change in zoning from R-4 to PEC, and Detailed District
Development Plan with Binding Elements
Project Name: Collins Lane Truck Lot & Repair
Location: 3315 Collins Lane
Owner: 3311 Collins Lane LLC
Applicant: 3311 Collins Lane LLC
Representative: Frost Brown Todd LLC
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:32:32 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Glenn Price, 400 W. Market, Suite 3200, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

03:37:14 Glenn Price applicant, presented exhibit handouts to Commissioners. Mr. Price detailed the development with elevations, proposed DDP, and the use of the site for a wrecker service via Power Point slide show (see recording for detailed presentation).

Deliberation

03:40:45 Planning Commission deliberation (see recording for detailed presentation).

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An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change in zoning from R-4 Single Family Residential to PEC Planned Employment Center

03:42:14 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form: Goal 1** the subject site is the only parcel on the north-east side of Collins Lane which is not already zoned PEC. The proposal does not constitute a non-residential expansion into a residential area; the site is located in an existing activity center relatively close to transit corridors; the site is located in a workplace Form District; Disadvantaged populations will not be disproportionately impacted by the proposal. The neighborhood is in transition and has few residences left; Human health, and quality of life and the environment should be minimally impacted due to the transitional nature of the neighborhood and the fact that few residences remain in the area; access to the site is from Collins Lane, a secondary collector at this location. The traffic impact of the development should be minimal; the site is separated from a nearby residential development by a CSX rail line and an open space lot with a small lake. Residences across Collins Lane are in transition with few residents remaining; the proposal is not for a junkyard, landfill or quarry or similar use. The proposed use will not handle hazardous or flammable material regularly and will be required to care for any such material that comes onto the lot; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 2** the site is located in a Form District appropriate for industrial activity; the proposed zoning district would change a low-density residential lot in an industrial area to industrial zoning. This will result in a more efficient land use and cost-effective use of infrastructure; the proposed zoning district would permit a mixture of compatible land uses; the proposal does not include an underutilized parking lot; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 3** no wet or highly permeable soils, or severe, steep

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or unstable slopes are evident on the site; the site is not located in the floodplain. No karst features were found on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 4** the structure on the lot is not recognized as a landmark and is not registered on the National Register of Historic Places; no distinctive cultural features are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 1** the proposed zoning district will match existing zoning along the same side of Collins Lane, connecting two existing activity centers; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 3** the proposed zoning district will allow a mixture of compatible land uses; the proposed zoning district will allow mixed use development. The proposed use is industrial. The proposal will provide sidewalks where none currently exist, improving the walkability of the employment center; Transportation Planning has approved the proposal. The proposal is for industrial development, and will provide sidewalks where no sidewalks currently exist to improve the walkability of the employment center; Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Facilities: Goal 2** the site is served by existing utilities; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Economic Development: Goal 1** the proposed zoning is compatible with the Form District, and will meet the needs of the industrial subdivision; the site is located in an existing industrial activity center; the site is located in an existing industrial activity center; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Livability: Goal 1** no karst features were found on the site; the site is not located in the floodplain; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 3** the neighborhood is in transition. The subject site is vacant and existing residents will not be displaced; now, therefore be it

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the Change in zoning from R-4, Single Family Residential, to PEC, Planned Employment Center

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

Detailed District Development Plan

03:43:05 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints on the subject site. The structure on the site is eligible to be listed on the National Register of Historic Places but is not listed. It is not proposed to be preserved. The majority of the trees on the site will be removed. Tree canopy will be planted around the perimeter of the site in compliance with the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. The area is in transition, from residential to industrial, and the proposed zoning district will bring the site into conformity with the neighborhood; and

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WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore it be

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan, **DELETING** all Binding Elements associated with Docket # 13ZONE1031, located at 3311 Collins Ln, and **ADOPTING** the following Binding Elements for both properties:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to

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requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- c. The lots shall be consolidated with a minor plat or deed of consolidation, or other legal instrument.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

7. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.

8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 1, 2019 Planning Commission public hearing.

10. Trucks that are required by the United States Department of Transportation to display a hazardous material placard may not be stored on the site for more than 24 hours unless otherwise required by law enforcement officers. Trucks stored more than 24 hours as required by law enforcement shall be inspected every 24 hours to ensure no leakage of hazardous material.

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The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

**NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson,
and Howard**

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CASE NO. 19CUP1036

Request: Floyds Fork Overlay Review
Project Name: The Stables at Floyds Fork
Location: 10503 ½ Bardstown Bluff Road
Owner: Stephanie L. Perri
Applicants: Stephanie L. Perri & Carin Veech
Representative: Nicholas R. Pregliasco
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson

Case Manager: Steve Hendrix , Planning & Design Coordinator

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:44:55 Brian Davis read the Chapter 3 part 1 of the Land Development Code the section in regards to the Floyds Fork DRO and development within that (see recording for detailed presentation).

03:46:38 Steve Hendrix discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

Nick Pregliasco, 1000 N. Hurstbourne Parkway, 2nd Floor, Louisville, Kentucky, 40223

Kathy Linares, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219

Summary of testimony of those in favor:

03:52:46 Nick Pregliasco, applicant, presented Power Point slide show to explain the Floyds Fork Overlay Review (see recording for detailed presentation). Mr. Pregliasco noted the reception hall, outdoor chapel area, dressing, and indoor chapel area. He stated proposed parking lot will not be visible from Bardstown Road or Bardstown Bluff Road due to elevation. Nick said there is more additional landscaping along the adjacent property and the proposed asphalt parking lot. Mr. Pregliasco spoke of waste management for the site.

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04:19:25 Commissioners and Nick Pregliasco discussed the landscape buffer areas along the southern property line and around the asphalt parking lot (see recording for detailed presentation). They also discussed the amount of parking spaces. Kathy Linares commented there will be 74 parking spaces available.

The following spoke in opposition to this request:

Grace Bryan, 10505 Bardstown Bluff Road, Louisville, Kentucky, 40291

Billy Seabolt, 10503 Bardstown Bluff Road, Louisville, Kentucky, 40291

Summary of testimony of those in opposition:

04:32:20 Grace Bryan, adjacent property, stated concerns with water run off from Bardstown Bluff Road and the asphalt parking lot. Ms. Bryan expressed concerns of increased pollution from the result of bug repellants to clear stagnate water in ditches. In addition, there will be increased pollution from fertilizer run off, trash from cigarette butts, food, dumpsters, balloons, and lanterns. She stated the parking lot is in full view of the lot and of the area. She stated her concerns with the proposed septic system (see recording for detailed presentation). Ms. Bryan stated there will be noise from generators and bands playing in the venue.

04:41:50 Billy Seabolt, adjacent property, stated there is an issue with horse manure in an area that is supposed to be parking availability behind the proposed photo/dressing building. Mr. Seabolt stated there will be water run off going into Floyd's Fork Creek. He expressed that he is very against the proposed septic system; there is not enough room to filter the lateral lines. Mr. Seabolt noted the traffic along Bardstown Bluff Road. He stated the trash and litter from events would affect Floyds Fork and wild life.

Rebuttal

04:54:56 Nick Pregliasco discussed the Floyds Fork Overlay and how this site will be able to preserve and improve structures on the site. Mr. Pregliasco detailed there will be improvements made to correct the manure issues stated from the opposition (see recording for detailed presentation).

Deliberation

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05:02:43 Planning Commission deliberation. Commissioners and Emily Liu discussed the case concerning parking, landscape buffers, and the outcome of actions made to approve, deny, or continue this case (see recording for detailed presentation).

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

05:26:43 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution, based on the evidence and testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the August 29, 2019 Planning Commission Meeting.

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson Peterson, and Howard

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 6:50 p.m.

Chair

Planning Director